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December 4, 2023

Re: In re Application of Refinería de Cartagena S.A.S. for an order directing discovery from Mason Capital Management, L.L.C., Case No. 23-mc-00455

The Honorable John P. Cronan
United States District Judge
United States District Court for the
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

Dear Judge Cronan:

We represent Mason Capital Management, L.L.C. ("Mason") in connection with the above-captioned matter, which was filed *ex parte* by Refinería de Cartagena S.A.S. ("Reficar") on November 22, 2023. By this action, Reficar seeks discovery from Mason in New York pursuant to 28 U.S.C. § 1782 (the "Application"), purportedly for use in two parallel restructuring proceedings pending in the United Kingdom and the Netherlands. I am writing to respectfully request that Mason be given an opportunity to be heard on the Application.

Mason is one of fifteen members of an ad hoc group ("Ad Hoc Group") of creditors and equity-holders of McDermott International Ltd. ("McDermott") and its subsidiaries, including two subsidiaries which are currently engaged in foreign restructuring proceedings: McDermott International Holdings B.V. ("MIH") and CB&I UK Limited ("CB&I UK"). On September 8, 2023, MIH commenced restructuring proceedings in the Netherlands, and CB&I UK commenced restructuring proceedings in England. Each member of the Ad Hoc Group, including Mason, has been actively participating in the restructuring proceedings, as has Reficar.

Notably, Reficar has not sought this discovery in the English and Dutch courts. Reficar's Application is an improper attempt to utilize section 1782 to circumvent the disclosure procedures provided for in the courts of England and the Netherlands, both of which are highly respected jurisdictions known for due process and fairness. Reficar has filed an identical application under section 1782 against The Baupost Group, L.L.C., another member of the Ad Hoc Group, in the District of Massachusetts, and we expect that Reficar may file similar applications against others, placing a substantial and undue burden on the individual members and the Ad Hoc Group as a whole, and their counsel, all of whom are simultaneously actively participating in a complex multi-jurisdiction restructuring process, which is due to be resolved no later than March 2024.

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Hon. John P. Cronan

Mason respectfully requests the opportunity to file an opposition to Reficar's Application, and further requests that the filing date for that opposition be set two weeks from today, on December 18, 2023.

Respectfully submitted,

/s/ Frances E. Bivens

Frances E. Bivens

Electronic Filing